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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,833	04/02/2004	Chiaki Hamada	119333	8858
25944	7590	09/20/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ZANELLI, MICHAEL J	
		ART UNIT		PAPER NUMBER
		3661		

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/815,833	HAMADA ET AL.
	Examiner	Art Unit
	Michael J. Zanelli	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 13 is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 8/17/04; 10/5/04.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. The application filed 4/2/04 has been examined. Claims 1-13 are pending.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The IDS filed 8/17/04 and 10/5/04 have been considered.
4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. As per claim 1, the claim is unclear whether “a value involved with rear wheel braking forces” (lines 3-4) is the same as “a first value involved with rear wheel braking force” (lines 8-9). Also the claim is unclear at line 13 with regards to the limitation “higher”. Higher relative to what parameter?
 - B. As per claim 2, the claim is unclear at lines 4-5 with regards to “the values involved with rear wheel braking force” (note comments above for claim 1).
 - C. As per claim 3, the claim is unclear at lines 4-5 as to which “second value” is being referred to (see claim 1, line 10 and claim 2, line 5).
 - D. As per claim 9, the claim is unclear at line 4 regarding “the value” since multiple values have been previously recited in claim 1.
 - E. As per claim 11, at lines 14-15 “the braking action by the driver detected by the detector” lacks antecedence.
 - F. As per claim 12, “the master cylinder pressure” and “the rear wheel sensor” lack antecedence.

G. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.

5. Claims 1-13 are distinguishable over the prior art. As per claim 1, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, starting a braking force distribution control based on a second value involved with rear braking force having a slower responsibility to braking action than a first value when an increasing rate of braking action by the driver is "higher". As per claim 11, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, starting a braking force distribution control based upon an estimation value of rear wheel cylinder pressure when an increasing rate of braking action by the driver is "high". As per claim 13, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, a device for controlling vehicle braking in which a sensed deceleration signal is passed through one of two low-pass filters with different cut-off frequencies whereby the low-pass filter used is selected based on a comparison of an increasing rate of braking action by the driver and a predetermined value. Braking force distribution control is started based on the filtered deceleration signal. Dependent claims 2-10 and 12 are distinguishable for at least the same reasons.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969. The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz



MICHAEL J. ZANELLI
PRIMARY EXAMINER